

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WISCONSIN

MICHELLE CORTEZ GOMEZ, Individually
and on Behalf of All Others Similarly Situated,

Case No. 2023-CV-00678

Plaintiff,

v.

KOHL'S CORPORATION and KOHL'S INC.,

Defendants.

DECLARATION OF LAURI A. MAZZUCHETTI

I, Lauri A. Mazzuchetti, declare as follows:

1. I am a partner in the law firm Kelley Drye & Warren LLP and counsel for the Defendants Kohl's Corporation and Kohl's, Inc. I submit this declaration in support of Defendants' Motion to Dismiss or, in the alternative, to Strike the Class Allegations. I have personal knowledge of the facts set forth in this declaration, and if called as a witness, I could and would testify competently hereto.

2. A true and correct copy of the Petition for Order Compelling Arbitration filed in *Bernal, et al. v. Kohl's Corporation, a Wisconsin Corporation, and Kohl's, Inc., a Wisconsin Corporation*, No. 5:23-cv-1779, Dkt. 1 (C.D. Cal. Sept. 1, 2023), is attached hereto as **Exhibit A**.

3. A true and correct copy of the Declaration of Albert Y. Pak in support of the Petition for Order Compelling Arbitration filed in *Bernal, et al. v. Kohl's Corporation, a Wisconsin Corporation, and Kohl's, Inc., a Wisconsin Corporation*, No. 5:23-cv-1779, Dkt. 1-1 (C.D. Cal. Sept. 1, 2023), is attached hereto as **Exhibit B**.

4. A true and correct copy of Kohl's 2020 Terms and Conditions, which were attached as Exhibit A to the Declaration of Albert Y. Pak in support of the Petition for Order Compelling

Arbitration filed in *Bernal, et al. v. Kohl's Corporation, a Wisconsin Corporation, and Kohl's, Inc., a Wisconsin Corporation*, No. 5:23-cv-1779, Dkt. 1-2 (C.D. Cal. Sept. 1, 2023), is attached hereto as **Exhibit C**.

5. A true and correct copy of Kohl's 2022 Terms and Conditions, which were attached as Exhibit B to the Declaration of Albert Y. Pak in support of the Petition for Order Compelling Arbitration filed in *Bernal, et al. v. Kohl's Corporation, a Wisconsin Corporation, and Kohl's, Inc., a Wisconsin Corporation*, No. 5:23-cv-1779, Dkt. 1-3 (C.D. Cal. Sept. 1, 2023), is attached hereto as **Exhibit D**.

6. A true and correct copy of Kohl's 2023 Terms and Conditions, which were attached as Exhibit D to the Declaration of Albert Y. Pak in support of the Petition for Order Compelling Arbitration filed in *Bernal, et al. v. Kohl's Corporation, a Wisconsin Corporation, and Kohl's, Inc., a Wisconsin Corporation*, No. 5:23-cv-1779, Dkt. 1-5 (C.D. Cal. Sept. 1, 2023), is attached hereto as **Exhibit E**.

7. A true and correct copy of Notices of Dispute dated December 22, 2022, attached as Exhibits E-J to the Declaration of Albert Y. Pak in support of the Petition for Order Compelling Arbitration filed in *Bernal, et al. v. Kohl's Corporation, a Wisconsin Corporation, and Kohl's, Inc., a Wisconsin Corporation*, No. 5:23-cv-1779, Dkts. 1-6, 1-7, 1-8, 1-9, 1-10, 1-11 (C.D. Cal. Sept. 1, 2023), is attached hereto as **Exhibit F**.

8. A true and correct copy of Petitioners' AAA Demands for Arbitration, attached as Exhibits K-P to the Declaration of Albert Y. Pak in support of the Petition for Order Compelling Arbitration filed in *Bernal, et al. v. Kohl's Corporation, a Wisconsin Corporation, and Kohl's, Inc., a Wisconsin Corporation*, No. 5:23-cv-1779, Dkts. 1-12, 1-13, 1-14, 1-15, 1-16, 1-17 (C.D. Cal. Sept. 1, 2023), is attached hereto as **Exhibit G**.

9. True and correct copies of letters dated June 7, 2023 and June 20, 2023 from the American Arbitration Association, which letters were attached as Exhibits Q and R to the Declaration of Albert Y. Pak in support of the Petition for Order Compelling Arbitration filed in *Bernal, et al. v. Kohl's Corporation, a Wisconsin Corporation, and Kohl's, Inc., a Wisconsin Corporation*, No. 5:23-cv-1779, Dkts. 1-18, 1-19 (C.D. Cal. Sept. 1, 2023), are attached hereto as **Exhibit H**.

10. A true and correct copy of the Declaration of Todd D. Carpenter in support of Petitioners' Response to the Court's Order to Show Cause filed in *Bernal, et al. v. Kohl's Corporation, a Wisconsin Corporation, and Kohl's, Inc., a Wisconsin Corporation*, No. 5:23-cv-1779, Dkt. 32-3 (C.D. Cal. Sept. 21, 2023) is attached hereto as **Exhibit I**.

11. A true and correct copy of Petitioners' Memorandum of Points and Authorities in support of their Motion to Compel Arbitration filed in *Bernal, et al. v. Kohl's Corporation, a Wisconsin Corporation, and Kohl's, Inc., a Wisconsin Corporation*, No. 2:23-cv-01542, Dkt. 61-1 (E.D. Wis. Dec. 1, 2023) is attached hereto as **Exhibit J**.

12. A true and correct copy of a cover letter and the enclosed pre-arbitration notices of dispute received by Kohl's on December 1, 2023, with personally identifiable information redacted, is attached hereto as **Exhibit K**.

13. True and correct copies of an advertisement and claim form retrieved in October 2023 from the Meta Ad Library and lynchcarpenter.com, respectively, are attached hereto as **Exhibit L**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3rd day of January, 2024.

/s/ Lauri A. Mazzuchetti
Lauri A. Mazzuchetti